

**14-104. Explanation; closing argument.**

Now the lawyers will argue the case. What is said in the arguments is not evidence. It is an opportunity for the lawyers to discuss the evidence and the law as I have instructed you. The state has the right to argue first; the defense may then argue; the state may then reply.

**USE NOTES**

For use before closing argument. This instruction does not go to the jury room. In a capital case it is proper for the state in its closing remarks to tell the jury that the state will not seek the death penalty.